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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053542
Party	Defendant Fegley Enterprises, Inc.
Correspondence Address	FEGLEY ENTERPRISES INC 569 MAIN STREET BETHLEHEM, PA 18018 UNITED STATES
Submission	Answer
Filer's Name	Jeanne Hamburg
Filer's e-mail	jhamburg@nmmlaw.com,bcmarin@nmmlaw.com,blarocca@nmmlaw.com
Signature	/jeanne hamburg/
Date	03/01/2011
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of U.S. Registration No. 3,047,757
For the mark RUDE ELF'S RESERVE and Design
Registered on January 24, 2006

TROEGS BREWING COMPANY,

Petitioner,

Cancellation No. 92053542

vs.

FEGLEY ENTERPRISES, INC.,

Registrant

ANSWER TO PETITION TO CANCEL

Registrant FEGLEY ENTERPRISES, INC. for its Answer to the Petition to
Cancel filed in this proceeding, by its attorneys, alleges as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 of the Petition to Cancel.
2. In response to paragraph 2 of the Petition to Cancel, denies that U.S. Reg. No. 3,047,757 is for "RUDE ELF" alone without reference to other subject matter in the registration and admits that its corporate name and address are as alleged in the Petition to Cancel.
3. In response to paragraph 3 of the Petition to Cancel, refers to the records of the U.S. Patent and Trademark Office ("U.S. PTO") for the particulars of the filings referred to in paragraph 3 of the Petition to Cancel.

4. In response to paragraph 4 of the Petition to Cancel, refers to the records of the U.S. PTO for the particulars of the U.S. PTO filings and actions referred to in paragraph 4 of the Petition to Cancel.

5. In response to paragraph 5 of the Petition to Cancel, refers to the records of the U.S. PTO for particulars of its registration and denies that such registration is for the “RUDE ELF mark” without reference to additional subject matter.

6. Denies the allegations of paragraph 6 of the Petition to Cancel.

7. Denies the allegations of paragraph 7 of the Petition to Cancel.

8. Denies the allegations of paragraph 8 of the Petition to Cancel.

9. In response to paragraph 9 of the Petition to Cancel, refers to the records of the U.S. PTO for particulars as to Registration Nos. 2,887,242 and 3,035,721 and denies that they are the “MAD ELF Registrations” insofar as such a label does not adequately communicate other subject matter covered by the registrations.

10. Denies the allegations of paragraph 10 of the Notice of Opposition insofar as the relevant consuming public does not refer to the registrations as the “MAD ELF Mark” without reference to additional subject matter in the registrations.

11. In response to paragraph 11 of the Petition to Cancel, refers to the refers to the records of the U.S. Patent and Trademark Office for particulars as to Registration Nos. 2,887,242 and 3,035,721 and denies that they are “the MAD ELF Registrations”

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 12 of the Petition to Cancel.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 13 of the Petition to Cancel.

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 14 of the Petition to Cancel.

15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 15 of the Petition to Cancel.

16. Denies the allegations of paragraph 16 of the Petition to Cancel.

17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 17 of the Petition to Cancel.

18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 18 of the Petition to Cancel.

19. In response to the allegations of Paragraph 19 of the Petition to Cancel, repeats and re-alleges its responses to the allegations of paragraphs 1 through 18 of the Petition to Cancel.

20. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 20 of the Petition to Cancel.

21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 21 of the Petition to Cancel.

22. Denies the allegations of paragraph 22 of the Petition to Cancel.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Petition to Cancel fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

The claim set forth in the Petition to Cancel is barred in whole or in part by the doctrine of laches.

THIRD AFFIRMATIVE DEFENSE

The claim set forth in the Petition to Cancel is barred in whole or in part by the doctrines of waiver, acquiescence, and estoppel.

WHEREFORE, Registrant requests that the Cancellation be denied.

Dated: March 1, 2011
New York, New York

Respectfully submitted,



Jeanne Hamburg
NORRIS, MCLAUGHLIN & MARCUS, P.A.
Attorneys for Registrant
875 Third Avenue, 8th Floor
New York, NY 10022

Phone 212.808.0700

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CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2011 a copy of the foregoing Answer to Petition to Cancel is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the attorneys for Petitioner as follows:

Harvey Freedenberg
Brian P. Gregg
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108



Jeanne Hamburg